

**MINUTES OF REGULAR MEETING OF THE TOWN COMMISSION OF THE TOWN OF BELLEAIR, FLORIDA HELD AT TOWN HALL ON SEPTEMBER 17, 2009 AT 7:30 PM**

**PRESENT:** Mayor Gary Katica  
Commissioners  
Stephen Fowler  
Tom Shelly  
Karla Rettstatt  
Stephanie Oddo

Town Manager Micah Maxwell  
Town Attorney David Ottinger

Mayor Katica lead the Pledge of Allegiance.

Quorum present on roll call with Mayor Katica presiding; the meeting was called to order at 7:30 pm.

**FISCAL YEAR 2009-2010 BUDGET**

Mr. Murphy provided a review of the 2009-2010 fiscal year budget; stated that the millage rate was 4.5605 mills and the rolled back rate was 5.2605; that the total budget was \$8,274,800; reviewed the differences in projected revenue; provided a review of the general fund budgets.

Commissioner Oddo inquired about funding for the visioning project for the town; explained her ideas for visioning; asked about carrying the funds forward for the current year budget; commented on increasing library reimbursements from \$50 to \$80.

Discussions ensued regarding carrying the \$25,000 forward for visioning expenditure; regarding the budgeted funds for library reimbursements;

Mr. Maxwell stated that the current budget for library reimbursements was \$20,000; that the proposed increase to \$80 per membership would be handled administratively; that carrying the \$25,000 for visioning would also be handled administratively.

Mr. Murphy reviewed the changes in the budget for support services and that the total budget for the department was \$1,668,500; that the total budget for clerk's department was \$191,800; that the total budget for building department was \$164,700; stated that the budget for the recreation department was \$473,900 and did not reflect the teen camp and staff or purchase of 15 passenger van; that the police department budget was \$1,238,800 which reflected the addition of a code enforcement officer as well as other interlocal agreement expenses and new equipment; stated that the parks and streets department was now the public works department with an annual budget of \$610,400.

Mr. Murphy provided a review of the budget for enterprise funds; that the total budget for solid waste was \$1,040,200; that two new trucks were to be purchased.

Mr. Maxwell stated that new vehicles would not be purchased until the results of the survey were determined.

**FISCAL YEAR 2009-2010 BUDGET (Continued)**

Mr. Murphy stated that the water department total budget was \$1,308,300; that there were no major capital purchases were included except for a new lab analyser.

Mr. Murphy stated that CIP program included the possible widening of Belleview Blvd.

Mr. Maxwell stated that after the budget discussion at the last meeting was the addition of the expense for the widening of Belleview Blvd.; that the proposed expense would have the to an amendment to the proposed total budget; that an application had been submitted for the TIGER Grant and secondarily for the repairs to the North Pine Circle bridge; that should the grant funds be received the monies would be returned to the CIP fund; that he would need commission approval for the amended expenditures.

It was the consensus of the commission to add the funds of \$200,00 for the widening of Belleview Blvd. and the repairs for North Pine Circle bridge.

Discussions ensued regarding the impact fees to be received from the Belleview Biltmore Hotel.

Mr. Murphy discussed the breakdown of the capital improvements proposed for the 2009-2010 fiscal year; that the improvements also included some new lighting for the recreation fields and some new curbing along Osceola Road.

Discussions ensued regarding the lighting for the recreation field; that representative for Aneco stated that they could provide the lights for the field.

Commissioner Fowler moved approval of the millage rate of 4.5605 mills to fund the 2009-2010 fiscal year operating budget. Motion seconded by Commissioner Rettstatt.

Vote on the motion was: ayes; Commissioner Rettstatt, Commissioner Shelly, Commissioner Fowler, Commissioner Oddo, Mayor Katica. Motion carried unanimously.

**RESOLUTION NO. 2009-31 ADOPTION OF MILLAGE RATE FOR FISCAL YEAR 2009-2010**

Commissioner Oddo moved approval of Resolution No. 2009-31 fixing the millage rate to be levied to fund the 2009-2010 fiscal year budget; providing that the operating millage rate is the rolled back rate. Motion seconded by Commissioner Fowler.

Vote on the motion was: ayes; Commissioner Rettstatt; Commissioner Shelly; Commissioner Fowler; Commissioner Oddo; Mayor Katica. The motion carried unanimously.

Mr. Maxwell stated that the motion approving the millage rate should be rescinded and corrected;

**RESOLUTION NO. 2009-31 ADOPTION OF MILLAGE RATE FOR FISCAL YEAR 2009-2010 (Continued)**

that the millage rate was not the rolled back rate.

Commissioner Oddo moved to rescind the motion to approve the rolled back rate. Motion seconded by Commissioner Shelly and carried unanimously.

Commissioner Oddo moved to approve Resolution No. 2009-31 fixing the millage rate to be levied to fund the 2009-2010 fiscal year budget at 4.5605. Motion seconded by Commissioner Shelly.

Vote on the motion was: ayes: Commissioner Rettstatt; Commissioner Shelly; Commissioner Fowler; Commissioner Oddo; Mayor Katica. The motion carried unanimously.

**RESOLUTION NO. 2009-32 - ADOPTION OF BUDGET FOR FISCAL YEAR 2009-2010**

Commissioner Rettstatt moved adoption of Resolution No. 2009-32 adopting the budget for fiscal year beginning October 1, 2009 and ending September 30, 2010 for carrying on the government of the Town of Belleair. Motion seconded by Commissioner Shelly.

Vote on the motion was: ayes; Commissioner Rettstatt; Commissioner Shelly; Commissioner Fowler; Commissioner Oddo; Mayor Katica. The motion carried unanimously.

**APPROVAL OF NON-EXEMPT AND EXEMPT EMPLOYEE PAY SCALE DATED OCTOBER 1, 2009**

Commissioner Shelly moved adoption of the proposed non-exempt and exempt employee pay scale dated October 1, 2009; that there was no COLA or merit increases proposed for the 2009-2010 fiscal year. Motion seconded by Commissioner Rettstatt.

Vote on the motion was: ayes; Commissioner Rettstatt; Commissioner Shelly; Commissioner Fowler; Commissioner Oddo; Mayor Katica. Motion carried unanimously.

**MOWING RESOLUTION NO. 320**

Mr. Ottinger stated that the commission had for consideration Mowing Resolution No. 320; that the effected properties were 349 Barbara Circle owned by Mabel Castaneda; 1351 Pinellas Road owned by Ralph Stollmack; and 1727 Magnolia Road owned by Kim S. Francis.

Commissioner Fowler moved approval of Mowing Resolution No. 320 as read by Mr. Ottinger. Motion seconded by Commissioner Shelly and carried unanimously.

**REQUEST FOR VARIANCE - 1722 LAURIE LANE - MORGAN AND CRISTI SCHMID**

Mr. Maxwell stated that the applicants, Morgan and Cristi Schmid, had requested a continuance for their variance request.

Commissioner Fowler moved to grant the requested continuance for the variance request for property located at 1722 Laurie Lane owned by Morgan and Cristi Schmid. Motion seconded by Commissioner Rettstatt and carried unanimously.

**CITIZENS' COMMENTS**

Virginia Donahue, 1351 Indian Rock Road, commented on the condition of the Belleview Biltmore Hotel and asked when the matter would be addressed.

Mr. Maxwell stated that the town had no control over the start date for the renovation project for the hotel except that the project must start by next June; that should the project not start by that time the commission could revoke the permit and site plan; that the matter of the roof was scheduled for consideration by the code enforcement board in November; that the commission had no power over the code enforcement board and that the board would make a decision and the owners would have the option of an appeal to that decision.

Mr. Ottinger stated that the clock was ticking for the project and that owner did have a lot of money invested in the project; that the property was looking pretty bad.

Commissioner Rettstatt wanted to recognize Neal Palenzuela who was honored at the luncheon held at the Belleair County Club for his efforts in eliminating human trafficking in Pinellas County.

**CONSENT AGENDA - APPROVAL OF MINUTES**

Mayor Katica stated that the commission had for consideration approval of Minutes for the August commission meetings.

Commissioner Fowler moved approval of the Minutes of Special Meeting and Work Session held on Tuesday, August 5, 2009 and Regular Meeting held on August 18, 2009. Motion seconded by Commissioner Oddo and carried unanimously.

**AWARD OF BID - PROFESSIONAL ENGINEERING/PLANNING SERVICES**

Mr. Maxwell stated that 22 bid proposals were submitted for the professional engineering/planning services; that he and two others were reviewing the proposals and that he expected a short list would be prepared next week; that he was requesting a continuance on the award of bid.

**AWARD OF BID - PROFESSIONAL ENGINEERING/PLANNING SERVICES (Con't.)**

Commissioner Oddo moved to continue the award of bid for professional engineering/planning services. Motion seconded by Commissioner Fowler and carried unanimously.

**AWARD OF BID - PROVIDE AND MAINTAIN STREET LIGHTING**

Mr. Maxwell stated that Aneco was the low bid for providing and maintaining street lights in town; that the bid amount for installation was \$352,000 and maintenance was \$600 per month for five years and the equipment was for the cyclone lighting; that a meeting was scheduled for Monday to discuss the start of the project.

Discussions ensued regarding the improvement in the street lighting system.

Commissioner Fowler moved to award the bid for providing and maintaining street lights in town; that the bid amount for installation was \$352,000 and maintenance was \$600 per month for five years and the equipment was for the cyclone lighting. Motion seconded by Commissioner Oddo and carried unanimously.

**APPROVAL OF SERVICE PROVIDERS FOR FISCAL YEAR 2009-2010**

Mr. Maxwell stated that the contracts were rolling contracts for a three year period; that the contracts were for tree trimming services, street sweeping, sidewalk repairs, and planning of the annual flower beds; that the bid amounts were the same; that every three years the town is required to bid out such services; that the town did have the option to renew the bids within the three year period; that staff was satisfied with the services provided by each contractor.

Commissioner Shelly moved approval of the service contracts for fiscal year 2009-2010. Motion seconded by Commissioner Fowler and carried unanimously.

**RESOLUTION NO. 2009-33 - APPROVAL OF CERTAIN MEMBERS TO THE BOARD OF TRUSTEES FOR BELLEAIR POLICE OFFICERS RETIREMENT PLAN**

Donna Carlen, town clerk, provided background information for Resolution No. 2009-33 regarding appointment of members to the Board of Trustees for the Belleair Police Officers Retirement Plan; stated that Officer Mike Fritz had be unanimously voted by the police officers to continue representing them on the board; that Sean Maguire was a commission appointed member and was willing to serve a two year term on the board.

Commissioner Shelly moved approval of Resolution No. 2009-33 regarding appointment of members to the Board of Trustees for the Belleair Police Officers Retirement Plan; that the two members were Officer Mike Fritz and Sean Maguire. Motion seconded by Commissioner Rettstatt and carried unanimously.

**APPROVAL OF FIRE SUPPRESSION AGREEMENT - CITY OF LARGO**

Mr. Maxwell stated that it was the final approval of the fire suppression agreement with the City of Largo; that the term of the agreement was for a period of five years to become effective October 1, 2009 and run through September 30, 2014; that the first year of the agreement the town would pay \$453,399 with each subsequent year's payment to be calculated based on the town's population; that staff was satisfied with the interlocal agreement and recommended moving forward with the approval.

Commissioner Shelly moved approval of the Fire Suppression Agreement with the City of Largo to provide fire suppression services to the Town of Belleair for a period of time beginning October 1, 2009 through September 30, 2014. Motion seconded by Commissioner Rettstatt.

Vote on the motion was: ayes; Commissioner Rettstatt, Commissioner Shelly, Commissioner Fowler, Commissioner Oddo and Mayor Katica. Motion carried unanimously.

Fire Chief Wallace commented on fire inspections for the Belleview Biltmore Hotel; that the structure was up to code.

**POLICE CHIEF'S REPORT**

Chief Edwards suggested that the report be continued until the next meeting.

**RESOLUTION NO. 2009-34 - REGARDING REPLAT OF THOMAS PROPERTY**

Mr. Ottinger commented on the proposed resolution; stated that counsel for Ms. Harper and Mr. Thomas had reviewed the resolution with regard to the imposed conditions; that the conditions were that the structure would be built with regard to height, location and dimension in accordance with the approved site plan; that the driveway would be on concrete paver construction; that the structure would not be used for storage of any recreational vehicles; that the fencing would be of the same type of construction of open fencing consistent with properties to the north and south of the subject property; that the landscape buffering and outside lighting would be compliant with two codes; that there was a provision that should the lots ever be separated the fencing setback for the property on Palmetto Road would return to the required setback for fencing on the front yard; that the structure was to be considered a single family dwelling and not an accessory structure.

Commissioner Fowler provided an explanation of his thoughts on the change from an accessory structure to a single family dwelling; stated that accessory structures were not allowed in R-1 zoning; that if the accessory structure were to be allowed there would be no control over the type of structure to be built.

Mr. Maxwell stated that the structure as a single family structure could be used as rental property.

**RESOLUTION NO. 2009-34 - REGARDING REPLAT OF THOMAS PROPERTY (Cont'd)**

Mayor Katica expressed his objections to the project.

Mr. Ottinger stated that the actions at this meeting was to get approval to reflect all of the stated conditions and decisions made.

Commissioner Fowler moved to continue the approval of Resolution No. 2009-34 because the applicant was not present; that he wanted to make sure the applicant was in agreement with the language in the resolution. Motion seconded by Commissioner Shelly.

Discussions ensued regarding the final language of the resolution; regarding the sketches submitted for approval to indicate the exterior elevation; that language should be included stated that would prohibit rental as single family dwelling; regarding the landscaping buffering required.

Vote on the motion was unanimous.

**RESOLUTION NO. 200-35 OPPOSING OFFSHORE OIL DRILLING**

Mr. Maxwell provided background information regarding the resolution regarding the opposition to offshore oil drilling; that Commissioner Oddo had requested that the town adopt such a resolution.

Commissioner Oddo stated that she was satisfied with the language of the resolution.

Commissioner Oddo moved approval of Resolution No. 2009-35 opposing offshore drilling in the Gulf of Mexico. Motion seconded by Commissioner Shelly and carried unanimously.

**CONTINUED DISCUSSION OF CYPRESS AVENUE TRAFFIC CALMING**

Mr. Maxwell commented on the concerns of resident on Cypress Avenue regarding traffic calming methods; that a number of residents had expressed a desire to have the speed humps installed on Cypress Avenue.

Chief Edwards provided traffic study information for Cypress Avenue; stated that the speed limit was currently 30 mph; commented on Florida Statutes allowing 5 mph over the posted speed limits; that there had not been any accidents on Cypress Avenue in the three years he has been in Belleair; commented on the impact speed humps had emergency vehicles.

Fire Chief Wallace commented on speed humps and the slowing of fire trucks and their response time; stated that each speed hump caused a 30 second delay per hump and that the trucks had to come to a complete stop at each speed hump; stated that there other means of traffic calming that could be more effective.

**CONTINUED DISCUSSION OF CYPRESS AVENUE TRAFFIC CALMING (Continued)**

Discussions ensued regarding alternative routes for emergency vehicles; regarding the impact on other streets should traffic divert to those areas; regarding reducing the speed limits on Cypress Avenue.

Mr. Maxwell stated that it would be his recommendation to reduce the speed limit to 25 mph.

Commissioner Fowler commented on the traffic calming efforts used in Clearwater; that the elements used were more expensive than speed humps; that he was in favor of reducing the speed limit to 25 mph and see what impact that would have on the traffic.

Bob Snibbe, 5 Pelican Place, stated that he was not aware of a traffic problem on Cypress Avenue.

Mayor Katica stated that there was a problem and a solution was needed.

Barbara Grice, VP/Treasurer of Belleair Forest Condominiums, read a prepared statement commenting on the impact on Belleair Forest Drive; that they were not in favor of closing the south end of Cypress Avenue; that if the residents on Cypress Avenue they should pay for them; commented on street parking on Belleair Forest Drive; commented on the effectiveness of the police department.

Victoria McDougal, 1715 Cypress Avenue, commented on the traffic problems in the Wildwood/Woodlawn area; commented on the number of vehicles traveling along Cypress Avenue; stated that the speed should be reduced to 25 mph; that Cypress Avenue was not the same as other streets in Belleair; that Cypress was used as a cut through street.

Discussions ensued regarding the safety of residents, children and pets on Cypress Avenue.

Larry Simoneau, 1726 Cypress Avenue, commented on the safety of children in the neighborhood and other walking along Cypress Avenue.

Martin Bailey, 1731 Cypress Avenue, stated that the traffic count was conducted on holidays and week end; that the solution was to narrow the street, add sidewalks and lower the speed limits.

Mayor Katica stated that the problem could be solved by taking one step at a time.

Valerie Kensey, 1705 Cypress Avenue, commented on having narrowing devices installed on one side of the street; stated that she would like to see the traffic volume reduced.

Pete Holcombe, 1716 Cypress Avenue, asked when the solution would occur; that he would also like to see the traffic volume reduced as soon as possible.

**CONTINUED DISCUSSION OF CYPRESS AVENUE TRAFFIC CALMING (Continued)**

Suzy Holcombe, 1716 Cypress Avenue, commented on the effectiveness of the planters for traffic calming.

Grant LaRoocque, 1721 Cypress Avenue, stated that Belleair Forest Drive had sidewalks, that 90% of the traffic on Cypress Avenue was cut through; commented on the number of emergency calls that use Cypress Avenue.

Nancy Reardon, 1314 Golfview Drive, commented on the speed of vehicles on her street; stated that she was not in favor of the speed bumps.

Lil Cromer, 4 Belleview Blvd., suggested lowering the speed limit and adding sidewalks.

Virginia Donahue, 1351 Indian Rocks Road commented on the traffic along Indian Rocks Road.

Discussions ensued regarding lowering the speed limit on Cypress Avenue; regarding the benefit of sidewalks; regarding the effectiveness of the planters used for traffic calming; regarding having a professional traffic engineer evaluate the situation and provide a study.

Chief Wallace stated that his comments were based on industry standards and not to impact the residents of Cypress Avenue.

Commissioner Rettstatt stated that Woodlawn Avenue had a 20 mph speed limit; stated that she was in favor of the traffic calming methods suggested by Commissioner Fowler.

Commissioner Rettstatt moved that the speed limit on Cypress Avenue be reduced to 20 mph. Motion seconded by Commissioner Oddo.

Discussions: Mayor Katica stated that there would not be any selective enforcement of the speed limits and residents would be included.

Vote on the motion was unanimous.

Mr. Maxwell stated that he would need to discuss the scope of the project; discussed a global speed limit for the town; discussed the cost of sidewalks; not sure about the cost of the traffic study; that he suggested continued discussion at the October work session.

**ADJOURNMENT**

There being no further business to come before the commission the meeting was adjourned in due form at 9:35 pm.

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**Town Clerk**

**APPROVED:**

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**Mayor**